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Agenda item 14
Prevention of armed conflict

Letter dated 19 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the General Assembly

On instructions from my Government, I have the honour to provide an account of facts for your attention in relation to Thailand's violation of the sovereignty and territorial integrity of the Kingdom of Cambodia, as follows:

- The Temple of Preah Vihear in Cambodia was inscribed unanimously into the World Heritage List during the thirty-second session of the World Heritage Committee in Quebec City, Canada, on 7 July 2008. This gave rise to intense political protests in Thailand from the opposition forces against Thailand's Government. However, in spite of this internal turmoil, Cambodia never expected that Thai soldiers would move in and stay in the Cambodian pagoda.
- On 15 July 2008, about 50 Thai soldiers crossed into Keo Sikha Kiri Svara pagoda, located in Cambodia's territory about 300 metres from the Temple of Preah Vihear. By 16 and 17 July 2008, the number of Thai soldiers on the pagoda grounds had increased to 480.
- The Thai side used its unilaterally designed map (enclosure 1) to indicate that the pagoda is in the so-called "overlapping area". But, according to the Annex I map (enclosure 2) and the enlargement of the Annex I map (enclosure 3) used by the International Court of Justice to adjudicate the conflict between Cambodia and Thailand over the Temple of Preah Vihear in June 1962, the Court stated in its judgment:

> "The Court however considers that Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory. The Court considers further that, looked at as a whole, Thailand's subsequent conduct confirms and bears out her original acceptance, and that Thailand's acts on the ground do not suffice to negate this. Both parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line" (pp. 30-31);

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"The Court considers the acceptance of the Annex I map by the parties caused the map to enter the treaty settlement and to become an integral part of it" (p. 31); and

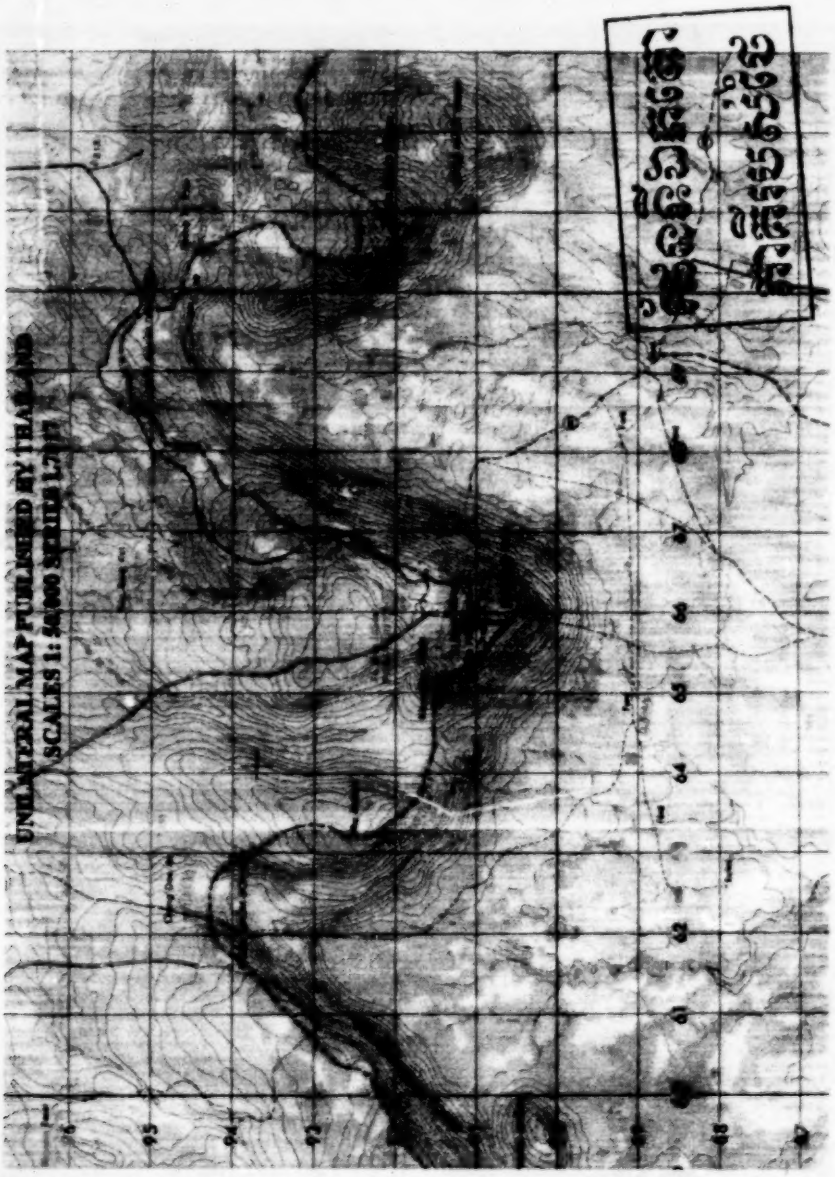
"The Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favour of the line as mapped in the disputed area" (p. 33).

- Taking into account the above decision of the International Court of Justice, the only map which legally delimits the border in the area of the Temple of Preah Vihear is the Annex I map, on the basis of which the Court made its judgment.
- At the onset of this provoking act and increasing reinforcement of Thai soldiers on Cambodia's territory, Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia, made telephone contact with and wrote to Samak Sundaravej, Prime Minister of Thailand, calling for actions to defuse the tension and for the immediate withdrawal of Thai troops from the pagoda grounds.
- In his letter of reply to Samdech Hun Sen on 18 July 2008, Samak Sundaravej claimed, apparently on the basis of a unilaterally designed Thai map, that the pagoda lies in the territory of the Kingdom of Thailand and that the presence of Cambodian residents and military personnel on the pagoda grounds is a violation of Thailand's sovereignty and territorial integrity.
- On 19 July 2008, Samdech Hun Sen wrote a letter of reply to Samak Sundaravej (enclosure 4), in which he stressed the legal validity of the frontier line between the two countries as shown in the Annex I map used for the judgment of the International Court of Justice.
- While Cambodia exercises maximum restraint to avoid armed confrontation, we cannot ignore that this Thai military provocation is aimed at creating a de facto "overlapping area" that legally does not exist on Cambodia soil.

I request you to circulate the present letter and its enclosures as a document of the General Assembly under agenda item 14.

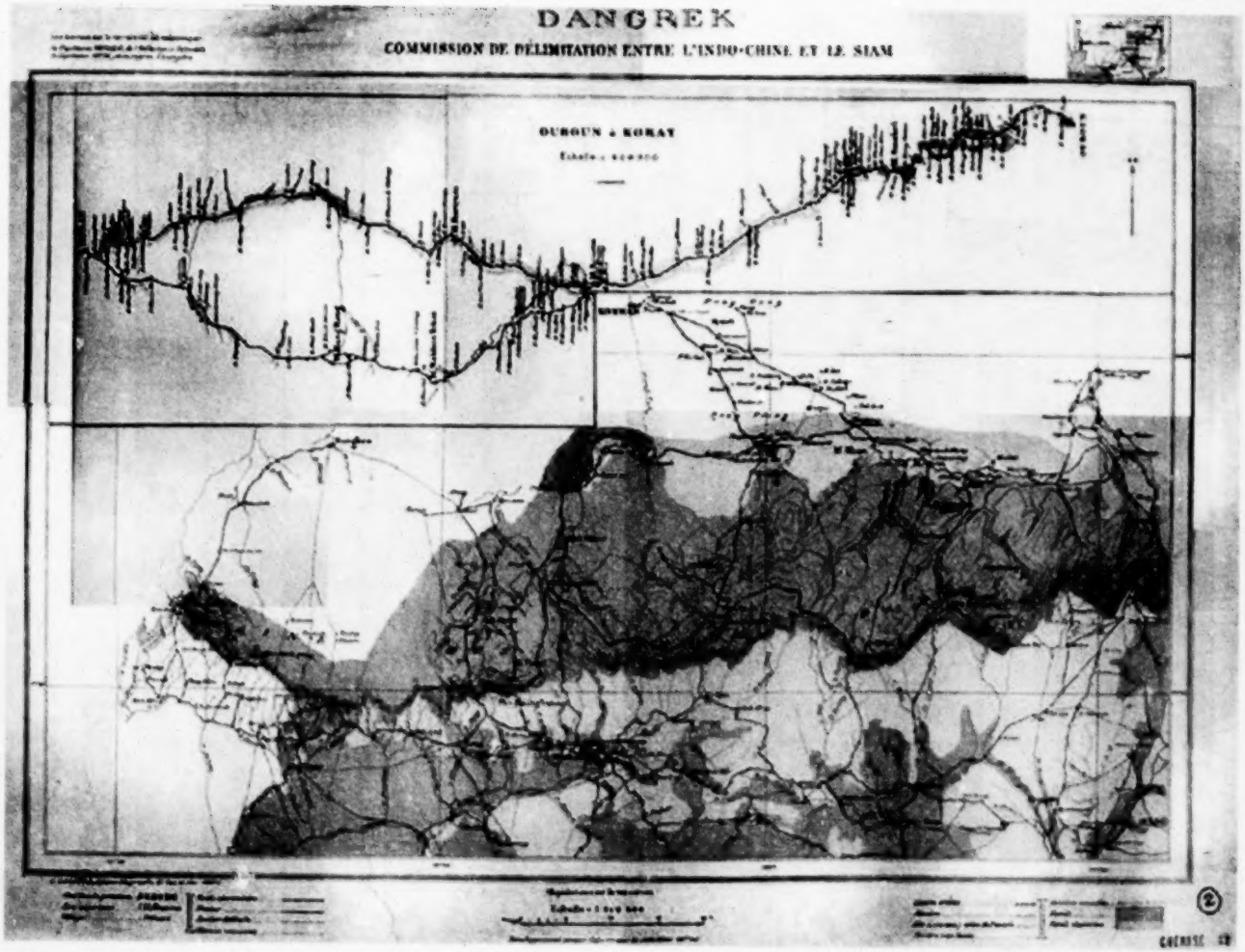
(*Signed*) **Sea** Kosal
Ambassador and Permanent Representative of the
Kingdom of Cambodia to the United Nations

Attachment 1



Enclosure 1

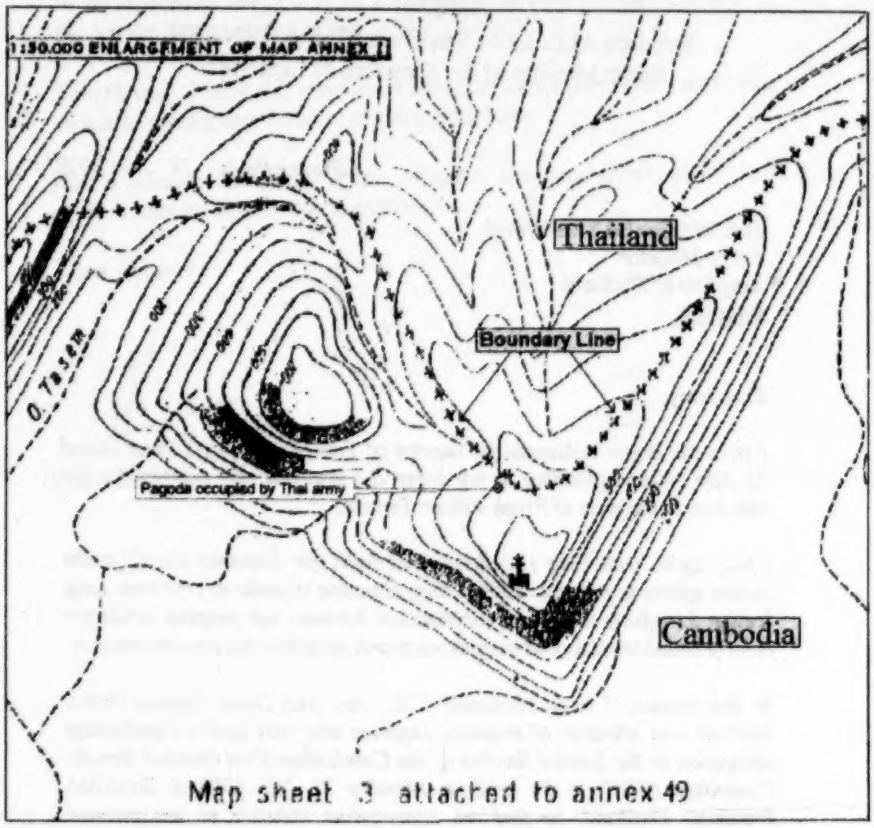
Enclosure 2



Map designated by the International Court of Justice as the Annex I map showing the frontier line in 1908

Enclosure 3

MAP BASED ON WHICH ICJ DECIDED THAT THE TEMPLE OF PREAH VIHEAR IS SITUATED IN TERRITORY UNDER THE SOVEREIGNTY OF CAMBODIA



- The International Court however considers that "Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory."

- The ICJ considers further that "Both Parties, by their conduct , recognized the line and thereby in effect agreed to regard it as being the frontier line."

- The ICJ considers that "the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it."

Enclosure 4

Samdech Akka Moha Sena Padei Techo HUN SEN
Prime Minister of the Kingdom of Cambodia

Phnom Penh, 19 July 2008

H.E. Mr. Samak Sundaravej
Prime Minister
Kingdom of Thailand
Bangkok

Excellency,

I have the honor acknowledge receipt of Your Excellency's letter dated 18 July 2008 responding to my letter the previous day concerning the situation in the area of Preah Vihear Temple.

I fully agree with Your Excellency that both our countries should make utmost efforts to prevent deteriorating situation in order to preserve long lasting friendship and good cooperation between our peoples, while we closely collaborate to find interim measures to defuse the current tension.

In this context, I have instructed H.E. Gen. Tea Banh, Deputy Prime Minister and Minister of National Defence who will lead a Cambodian delegation to the Special Session of the Cambodian-Thai General Border Committee (GBC) to be held on Monday 21 July 2008 in Sa Kaeo Province, Thailand, to find an appropriate solution to the present problem.

I have also instructed H.E. Var Kim Hong, Chairman of the Cambodia-Thailand Joint Border Commission (JBC) to work with his Thai counterpart to convene a Cambodian –Thailand JBC meeting as soon as possible in order to expedite completion of the demarcation work of the entire Thai-Cambodian border.

As far as the Keo Sikha Kiri Swara pagoda of Cambodia is concerned, may I bring to Your Excellency's attention that according to the "ANNEX I MAP" used by the International Court of Justice (ICJ) in 1962, it is legally located approximately seven hundred meters inside Cambodian territory. The "ANNEX I MAP", used by the ICJ as basis for its judgment in 1962, was drawn in 1908 as a result of the demarcation work

of the Commissions of Delimitation of the Boundary between Indo-China and Siam set up on the basis of the Convention of 1904 and the Treaty of 1907 between France and Siam and was accepted by the Kingdom of Siam.

In its reasoning, the ICJ very clearly demonstrated the legal validity of the border line as shown in the "ANNEX I MAP"

Nonetheless, I have full confidence that our joint efforts will result in a mutually satisfactory solution to current problem.

Please accept, Excellency Prime Minister, the assurances of my best regards and my highest consideration.

Yours sincerely,

Hun Sen